

REMARKS

The rejections and comments of the Examiner set forth in the Office Action dated March 31, 2003 have been carefully reviewed by the Applicant. Claims 1-34 are pending in the application, with Claims 17-20 and 27-34 having been withdrawn. Claims 1 and 12 have been amended.

Claims 1, 3-16, 21 and 23-26 are currently rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yoshigai et al. (US 6191045) and Mui et al. (US 6037265). In response, the Applicants have amended Claims 1 and 12 and canceled Claims 8-9, 11, 21, and 23-26. Amended independent Claim 1 and dependent Claims 3-7, 10, and 12-16 are patentably distinguished from the combination of Yoshigai and Mui. Amended Claims 1, 3-7, 10, and 12-16 share the element of "using a decoupled plasma comprising oxygen and chlorine," and Yoshigai and Mui fail to teach the use of a decoupled plasma

Claims 2 and 22 are currently rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yoshigai et al. (US 6191045) and Mui et al. (US 6037265) and further in view of

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Kugimaya. Kugimaya has been relied upon as teaching the use of a decoupled plasma; however, Kugimaya does not teach the use of a decoupled plasma containing oxygen and chlorine.

Yoshigai teaches the use of chlorine and oxygen in an etch plasma, but does not teach the use of a decoupled plasma. Combining the decoupled plasma of Kugimaya with the plasma composition of Yoshigai would not be obvious to one with normal skill in the art, since the combination would change the fundamental principle of operation of Yoshigai.

As stated at column 2, lines 3-6, Yoshigai teaches the use of a high substrate temperature of 100 to 200 degrees Celsius to achieve the desired etch behavior. In contrast, Kugimaya teaches at column 3, lines 39-43, that the substrate should be maintained at a temperature of 20 to 80 degrees Celsius, and preferably about 50 degrees Celsius. Thus, it would not be obvious to combine the teaching of Kugimaya with those of Yoshigai.

In summary, the Applicant asserts that Claims 1, 3-7, 10, and 12-16 are in condition for allowance and earnestly solicits such action by the Examiner.

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Respectfully submitted,

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